

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

**MONSANTO COMPANY and
MONSANTO TECHNOLOGY, LLC**

Plaintiffs,

V.

ERNEST COLLINS,

Defendant.

No. 4:09-CV-00195-DDN

CONSENT JUDGMENT

PARTIES

Plaintiffs are Monsanto Company and Monsanto Technology, LLC (sometimes referred to hereinafter as Monsanto). Monsanto Company is a company organized and existing under the laws of the State of Delaware with its principal place of business in St. Louis, Missouri. Monsanto Technology, LLC is a company organized and existing under the laws of the State of Delaware with its principal place of business in St. Louis, Missouri.

Defendant, Ernest Collins, is a natural person and engages in commercial farming and resides in Missouri.

STIPULATED FINDINGS

Subject matter jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §1331, in that one or more of Monsanto's claims arise under the laws of the United States, as well as 28 U.S.C. §1338, granting district courts original jurisdiction over any civil action regarding patents.

Venue is proper in this judicial district pursuant as the events giving rise to the claims occurred in this judicial district and, defendant resides and is subject to personal jurisdiction in this judicial district.

Monsanto is in the business of developing, manufacturing, licensing, and selling agricultural biotechnology, agricultural chemicals and other agricultural products. After the investment of substantial time, expense, and expertise, Monsanto invented an agricultural biotechnology consisting of genetic traits that enable crops to express resistance to glyphosate based herbicides such as Roundup® branded herbicides.

This biotechnology has been utilized by Monsanto in several agricultural crops, including soybeans, and enables the soybeans to be treated with glyphosate based herbicides without being damaged. This genetically improved soybean seed is marketed by Monsanto and other seed companies as Roundup Ready® soybeans.

Monsanto's Roundup Ready® biotechnology is protected under patents issued by the United States Patent Office, specifically including U.S. Patent Nos. RE39,247 E and 5,352,605. Prior to the events giving rise to this action, the '247 and '605 patent were issued and/or Monsanto was the exclusive licensee from the owner and was authorized to enforce the rights relating thereto, including seeking injunctive and monetary relief and remedy for the infringement thereof.

Monsanto placed the required statutory notice that its Roundup Ready® biotechnology was patented on the labeling of all bags containing Roundup Ready® soybean seed in compliance with 35 U.S.C. §287(a). In particular, each bag of Roundup Ready® soybeans are marked with notice of the '605 patent.

Under the terms of Monsanto's limited use license agreements through which Roundup Ready® soybeans are sold, a purchaser is only authorized to use the seed for planting a commercial crop in a single growing season, and is prohibited from saving harvested seed for the purpose of planting another crop. In addition, the user is prohibited from selling saved seed or supplying or transferring any seed produced from the purchased seed to third parties for planting.

Defendant admits he planted Roundup Ready® soybeans without authorization.

Defendant's actions of planting unauthorized Roundup Ready® soybeans infringes U.S. Patent Nos. RE39,247 E and 5,352,605 in 2006.

The Defendant's planting of saved Roundup Ready® soybeans without authorization from Monsanto constitutes a deliberate disregard of the '247 and '605 patents pursuant to 35 U.S.C. §271(a).

The Defendant's infringing activities of planting saved Roundup Ready® soybeans without authorization were intentional and willful.

MONETARY DAMAGES

By consent of the parties, judgment is entered against defendant, Ernest Collins, in favor of Monsanto in the amount of Thirty Five Thousand Eight Hundred Fifty Dollars (\$35,850.00).

PARTIES' CONSENT

Mr. Ernest Collins and Counsel for Monsanto each provide their consent for the entry of this judgment.

Ernest Collins 3-25-09
ERNEST COLLINS DATE

[Signature] 3-26-09
MONSANTO DATE

IT IS SO ORDERED.

Dated March 27, 2009.

[Signature]
United States District Judge